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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,907	08/13/2001	Hiroshi Yamamoto	SCET 18.919	8065
26304	7590	04/14/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				FIELDS, COURTNEY D
		ART UNIT		PAPER NUMBER
		2137		

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/928,907	YAMAMOTO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Courtney D. Fields	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 28 November 2005.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 21,25-26,37, and 39 have been amended.
2. Claims 1-39 are pending.

***Information Disclosure Statement***

3. The Information Disclosure Statement respectfully submitted on 28 November 2005 has been considered by the Examiner.

***Response to Arguments***

4. Applicant's arguments filed 03 January 2006 have been fully considered but they are not persuasive.
5. Referring to the rejection of claim 1, the Applicant argues and contends that the prior art (Glover) fails to disclose or suggest means for deleting the decrypted protective object after the decrypted protective object has been linked with another object. The Examiner respectfully disagrees and asserts that Glover discloses a hidden application containing first and second protective codes for encrypted files located within a virtual device driver. (See Column 9, lines 36-52) The procedure for decrypting and/or decompressing encrypted files is known as the unwrap procedure. (See Column 10, lines 1-10) The unwrap procedure links the encrypted contents located within the original application to another objective known as the phantom application. The unwrap procedure decrypts the contents located within the virtual device driver which is the original application and sends the data to the phantom application. After the process is complete, the decrypted protective content is deleted from the memory of the virtual device driver. (See Column 10, lines 10-57) This will prevent unauthorized access to

any encrypted information stored upon hidden files located within the virtual device driver.

6. Referring to the rejection of claims 1 and 2, the Applicant argues and contends that the prior art (Glover) fails to disclose or suggest storage means for storing encrypted protective object including a procedure capable of terminating a process operation due to invalidity of a protect code contained in an executable module. The Examiner respectfully disagrees and asserts that Glover discloses a storage medium such as a magnetic disc or CD-ROM for storing encrypted digital information. The encrypted digital information provides executable operation code to the operating system of an computer. The encrypted digital information includes authorizations mechanisms such as the unwrap procedure. If authorization is valid, the encrypted information is decrypted only in memory accessible to the operating system and processes authorized by the operating system. If the authorization is not valid, the procedure is closed, invalidating the process. (See Column 8, lines 51-67, Column 9, lines 1-6)

7. Referring to the rejection of claims 9-10,19-20, and 35-36, the Applicant argues and contends that the rejection needs to be clarified. The Examiner respectfully disagrees and asserts that claims 9-10,19-20 and 35-36 were properly rejected under 35 USC 103, in view of Glover. Since claims 9-10,19-20, and 35-36 depend upon claims 4-5, 14-15, and 30-31, the rejection had to be made in view of Glover modified by Watanabe. Furthermore, the rejection has been deemed appropriate.

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8. Therefore, the rejection of claims 1-39 are maintained in view of the reasons above and in view of the reasons below.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,6-8,11-13,16-18,21-29,32-34,37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Glover (US Patent No. 6,052,780).

Regarding claims 1,11,23, and 27, Glover discloses an information processing method, apparatus, medium and program product:

storing thereinto an encrypted protective object including a procedure capable of terminating a process operation due to invalidity of a protect code contained in an executable module (See Column 8, lines 51-61)

decrypting means for reading the encrypted protective object from the storage means and decrypting the encrypted protective object (See Column 8, lines 61-67, Column 9, lines 1-9)

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code writing means for causing the protect code to be contained in an executable module generated by linking the decrypted protective object with another object and  
(See Column 9, lines 9-35)

deleting means for deleting the decrypted protective object after the decrypted protective object has been linked with another object (See Column 10, lines 28-47)

Regarding claims 2,12,24, and 28, Glover discloses an information processing method, apparatus, medium and program product:

storage means for storing thereinto an encrypted protective object including a procedure capable of terminating a process operation due to invalid relationship between a first protect code and a second protect code contained in an executable module (See Column 7, lines 48-61 and Column 8, lines 51-61)

decrypting means for reading the encrypted protective object from the storage means and decrypting the encrypted protective object (See Column 8, lines 61-67, Column 9, lines 1-9)

code generating means for generating the first protect code, and the second protect code related to the first protect code (See Column 8, lines 30-50)

code writing means for embedding the first protect code into the decrypted protective object, and for embedding the second protect code into the executable module when the executable module is generated by linking with another object the protective object into which the first protect code has been embedded, and (See Column 6, lines 54-67, Column 7, lines 1-6, and Column 9, lines 9-35)

deleting means for deleting the protective object into which the first protect code has been embedded before the second protect code is embedded (See Column 10, lines 28-47)

Regarding claims 3,13, and 29, Glover discloses the claimed limitation wherein the code generating means generates both the first protect code and the second protect code from a random number (See Column 9, lines 60-67 and Column 10, lines 1-5)

Regarding claims 6,16, and 32, Glover discloses the claimed limitation wherein code writing means encrypts the protect code to be contained in the executable method and the protective object includes a procedure for decrypting the encrypted protect code contained in the executable module when the protect code is checked (See Column 10, lines 1-18)

Regarding claims 7,8,17,18,33 and 34, Glover discloses the claimed limitation wherein code writing means encrypts the first protect code and the second protect code both to be contained in the executable module, and the protective object includes a procedure for decrypting the encrypted first protect code and the encrypted second protect code contained in the executable module when the first and second protect codes are checked (See Column 11, lines 6-26)

Regarding claims 21 and 37, Glover discloses a machine readable storage medium and software product stored within an object to be processed by an information processing apparatus, wherein an encrypted protective object is stored into the storage medium and the encrypted protective object contains a procedure capable of terminating a process operation when there is invalidity in one or more protect codes

contained in an executable module with the protective object incorporated therein (See Column 2, lines 35-67)

the encrypted protective object is read from the storage medium and decrypted, (See Column 8, lines 51-67, Column 9, lines 1-6)

the executable module is generated by linking the decrypted protective object with another object, and the decrypted protective object is deleted after the decrypted protective object has been linked with another object (See Column 10, lines 10-57)

Regarding claims 22 and 38, Glover discloses the claimed limitation wherein the protect code contained in the executable module is encrypted, the protective object includes a procedure capable of decrypting the encrypted protect code prior to a checking operation of the protect code (See Column 21, lines 1-10)

Regarding claims 25 and 39, Glover discloses a machine readable storage medium and software product stored with an executable module, the executable module being executed by an apparatus capable of executing an executable module assembled by linking a plurality of objects with each other, wherein:

the plurality of objects contain a library object, and the library object contains a procedure capable of checking whether or not there is invalidity in at least one protect code and also of terminating a process operation of the executable module in response to the checking result and the executable module has at least one protect code embedded thereinto (See Column 14, lines 36-67, Column 15, lines 1-9)

the executable module is generated by linking the decrypted protective object with another object, and the decrypted protective object is deleted after the decrypted protective object has been linked with another object (See Column 10, lines 10-57)

Regarding claim 26, Glover discloses an entertainment apparatus for executing an executable module generated by linking a plurality of objects with each other, one of the plurality of objects linked being a decrypted protective object, comprising:

a first protect code contained in one or the plural objects and a second protect code is contained in the executable module, means for checking a relationship therebetween, and means for terminating a process operation of the executable module when the relationship is invalid (See Column 15, lines 10-33)

and means for deleting the decrypted protective object after the decrypted protective object has been linked with another object (See Column 10, lines 10-57)

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4,5,14,15,30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover (US Patent No. 6,052,780) in view of Watanabe (US Patent No. 6,6067,626). Regarding claims 1-3,6-8,11-13,16-18,21-29,32-34,37-39, Glover discloses the invention as claimed above. However, Glover does not explicitly disclose

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means for adding dummy data to protect code within an information processing unit.

Regarding claims 4,5,14,15,30, and 31, Watanabe discloses the claimed limitation wherein code writing means add dummy data to the information processing unit to protect code (See Column 5, lines 46-67, Column 6, lines 1-67, and Column 7, lines 1-

3) Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Glover's digital information system by combining Watanabe's dummy data information processing device. This will ensure receiving valid code sent to the information processing unit to be protected at all times (See Watanabe Column 2, lines 51-64)

Regarding claims 9,10,19,20,35 and 36, (Glover as modified) discloses the claimed limitation wherein code writing means encrypts the first protect code and the second protect code both to be contained in the executable module, and the protective object includes a procedure for decrypting the encrypted first protect code and the encrypted second protect code contained in the executable module when the first and second protect codes are checked (See Glover, Column 11, lines 6-26)

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CDF*  
cdf  
April 12, 2006

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SUPERVISORY PATENT EXAMINER